

HOUSE BILL REPORT

HB 2296

As Amended by the Senate

Title: An act relating to duplicate signatures on petitions in cities, towns, and code cities.

Brief Description: Addressing duplicate signatures on petitions in cities, towns, and code cities.

Sponsors: Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet, Farrell, S. Hunt and Pollet.

Brief History:

Committee Activity:

Local Government: 1/22/14 [DP].

Floor Activity:

Passed House: 2/12/14, 98-0.

Senate Amended.

Passed Senate: 3/4/14, 49-0.

Brief Summary of Bill

- Provides that, for purposes of determining the sufficiency of petitions submitted to a city or town, duplicate signatures on the petition, if otherwise valid, must be counted once, rather than stricken.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives Takko, Chair; Gregerson, Vice Chair; Overstreet, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Fitzgibbon, Pike, Springer and Taylor.

Staff: Michaela Murdock (786-7289).

Background:

Petitions submitted in all cities or towns must comply with requirements set out in statute. There are numerous statutory purposes for which petitions are brought, including to:

- incorporate a city or town;
- advance the classification of a city or town;

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- disincorporate a city or town;
- amend a city charter;
- initiate an ordinance;
- subject an ordinance to referendum;
- consolidate two or more contiguous cities;
- annex unincorporated territory to a city or town;
- initiate the formation of a utility local improvement district;
- create a metropolitan municipal corporation;
- change the name of a city or town; or
- create a city transportation authority.

Petitions contain: (1) a concise statement of the action or relief sought by the petitioners, and applicable statutes or ordinances; (2) a true copy of the ordinance, if the petition initiates or refers an ordinance; (3) an accurate legal description of the area proposed for annexation, incorporation, withdrawal, or reduction, if the petition seeks such action; (4) numbered lines for signatures with space beside each signature for the name and address of the signer, and the date of signing; and (5) a warning to signers that is prescribed by statute.

To be sufficient, a petition must gather a certain number of valid signatures. Signatures must be of qualified registered voters or property owners, as the case may be, in the number required by applicable statute or ordinance (*e.g.*, "signed by registered voters in the city equal in number to 25 percent of the votes cast in the last general election").

When a petition has been filed, the county auditor, or in certain cases the county assessor, determines whether the petition contains a sufficient number of valid signatures. A signature must be stricken if: (1) any person has signed a petition two or more times; or (2) the signature is followed by a date of signing which is more than six months prior to the date of filing of the petition. For duplicate signatures, the original and all duplicates are currently required by statute to be stricken.

Code Cities and Non-code Cities.

There are different types of cities: classified cities, code cities, or unclassified cities.

Classified cities are first class cities, second class cities, and towns. Code cities are those cities that operate under the Optional Municipal Code. Unclassified cities are cities created by special acts of the Legislative Assembly of Washington Territory that still operate under territorial charters.

Summary of Bill:

Provisions governing code cities and all other types of cities, which require duplicate signatures, including the original, on petitions submitted in a city or town to be stricken, are modified. Duplicate signatures, if otherwise valid, must be counted once.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes two primary changes. First, the legislative intent section is amended. Instead of citing Cowlitz County Superior Court case *Patella v. Kimsey*, the Senate amendment cites the Washington Court of Appeals, Division II case *Filo Foods, LLC v. City*

of SeaTac for the legislative finding that the court held a state statute governing the sufficiency of petitions in code cities unconstitutional. The Senate amendment provides that the Legislature intends to require local officers certifying city and town petitions to count one valid signature of a duplicate signer.

Second, the Senate amendment makes technical and non-substantive changes to provisions of the underlying bill to establish that if a person signs a petition more than once, all but the first valid signature must be rejected.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In the 1970s the Washington Supreme Court ruled that for state petitions, any duplicate signatures on the petitions are counted once. The court held that the intent of the voter was to have his or her signature counted once; accordingly, the original signature is valid. There is no presumption of fraud when people sign a petition. It has been the practice of the Secretary of State's office since the 1970s to count the first signature on a state petition, and to reject any duplicate signatures from the same voter.

Although this matter has been fixed for state petitions, statutes governing city petitions have not been changed and continue to require that all duplicate signatures, including the original, be stricken. Both state appellate courts and superior courts have held that the original of any duplicate signatures on municipal petitions should be counted once, in the same manner as duplicate signatures on state petitions. The Revised Code of Washington should be changed to reflect the courts' holdings and current practices.

(Opposed) None.

Persons Testifying: Representative Pike, prime sponsor; Greg Kimsey, Washington Association of County Auditors; and Katie Blinn, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.